

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

HODELL-NATCO INDUSTRIES, INC.)	CASE NO. 1:08 CV 2755
)	
Plaintiff,)	JUDGE: LESLEY WELLS
)	
-vs-)	
)	
SAP AMERICA, INC., et al.)	
)	
Defendants.)	

PROPOSED VOIR DIRE OF PLAINTIFF HODELL-NATCO INDUSTRIES, INC.

Plaintiff Hodell-Natco Industries, Inc. respectfully requests that the Court propound the following questions to the venire during voir dire:

Relationship With The Participants

1. Are any of you acquainted with each other?
 - a. If yes, how are you acquainted?
2. Do you have any friends, relatives or acquaintances who are lawyers?
 - a. If so, what are their names?
 - b. Where are they employed?
3. Are you familiar with any of the following attorneys or law firms:
 - a. Koehler Neal LLC
 - i. P. Wesley Lambert

ii. James F. Koehler

iii. Timothy J. Fitzgerald

b. Drinker Biddle & Reath LLP

i. Gregory J. Star

ii. Michael J. Miller

iii. Joseph M. Kelleher

c. If yes:

i. Which ones?

ii. What kind of contact have you had with them?

iii. Would any of your dealings with the attorney prevent you from listening to the evidence in this case with an open mind and reaching an unbiased decision?

4. There are several parties to this case. They are as follows:

- Hodell-Natco Industries, Inc.
- SAP America, Inc.
- SAP AG
- LSi-Lowery Systems, Inc.
- The IBIS Group, Inc.

a. Are you familiar with any of these parties? If yes:

i. What type of contact have you had with that party?

ii. Would any of your dealings with the party prevent you from listening to the evidence in this case with an open mind and reaching an unbiased decision?

5. Several different witnesses may testify during this trial. Do you, your spouse, or your significant other know any of the following witnesses and/or their family members:

- Otto Reidl
- Kevin Reidl
- Daniel Lowery
- Dale Van Leeuwen
- Edward Neveux
- Geoffrey Ashley
- Paul Killingsworth
- Daniel Kraus
- Udi Ziv
- Joseph Vislocky
- Ralf Mehnert-Meland
- Jon Woodrum
- Jaime Clark
- Helmuth Guembel
- Dr. G. William Kennedy
- Jay Sheldon
- Michael Lovelace
- Ross Elliot
- Terry Phillips
- Damon Hacker
- Ellen Fick; f/k/a Ellen Daniels

- Joseph Guagenti
- Eric Johnson
- Marcia Weissman
- Penelope Vitantonio
- Brooks Hilliard
- Geoffrey H. Osborne

a. If yes:

- i. Which ones?
- ii. What kind of contact have you had with them?
- iii. Would any of your dealings with the witness or a witness's family member prevent you from listening to the evidence in this case with an open mind and reaching an unbiased decision?

6. Do you own any stock in SAP?

7. Do you regularly use, purchase, or evaluate SAP products?

- a. Have you ever heard of, evaluated, or used software known as SAP Business One?

8. Have you heard anything about this case?

- a. If so, what have you heard?
- b. Has anything you heard caused you to form an opinion about this case?
- c. If so, what is your opinion?

9. Have you experienced any issues with software you purchased?

- a. What software?
- b. What were the issues?

- c. Was there a resolution?
 - i. What was it?

Previous Contacts with the Judicial System

10. Raise your hand if you or any other members of your family have been either a plaintiff or a defendant in a civil case within the past ten years.

- a. If yes:
 - i. Please describe the dispute.
 - ii. Who won?

11. Raise your hand if you have ever been a witness in a case.

- a. If yes:
 - i. Please describe the case.
 - ii. What was the outcome?

12. Raise your hand if you have ever been a juror before.

- a. If so:
 - i. What was your overall impression of being a juror in that case?
 - ii. Was it a rewarding experience?

Marriage Relationship and Family

13. Are you married?

- a. If yes:
 - i. How long have you been married?
 - ii. What is your spouse's present occupation and employer?
 - iii. How long has your spouse been engaged in that position?

14. Do you have any children?

a. If yes:

i. How many children do you have?

ii. What is the occupation, if any, of each of your children?

Education and Employment

15. What is your highest level of education?

16. Where did you attend high school?

17. Did you attend college or a trade school?

a. If so:

i. What school?

ii. What was your concentration, major, minor, and degree of certification that you received, if any?

18. What is your current occupation and who is your current employer?

19. How long have you been engaged in that occupation?

20. How long have you been with that employer?

21. Do you, or anyone you know, work for a lawyer or law firm, either as a lawyer or a non-lawyer? If so, who and in what position?

a. Have you, your spouse, or any relative ever received formal training in the law or attended law school or paralegal school?

22. Have any of you ever had any business-related education or training, including accounting, economics, and/or finance?

a. If so:

i. What kind of training?

- ii. How long was your training?
- iii. When did you receive this training?
- iv. Where did you receive this training?
- v. Did you receive a degree?

23. Have any of you ever had any training or education in the information technology (IT) field?

- a. If so:
 - i. What kind of training?
 - ii. How long was your training?
 - iii. When did you receive this training?
 - iv. Where did you receive this training?
 - v. Did you receive a degree?

Related Work/Personal Experience

24. Have any of you ever owned or managed a business?

- a. If so:
 - i. Please describe the type of business
 - ii. What were your responsibilities with regard to management of the business?
 - iii. How long did you own/manage the business?
 - iv. What was your title?

25. Have any of you ever negotiated a contract as part of your business or occupation?

- a. If so:
 - i. What type of contract?

- ii. What terms were important to you?
- iii. Who did you negotiate with?
- iv. Did you have a lawyer involved?
- v. Did either side violate the contract?
 - 1. If so, how?
 - 2. Was a lawsuit involved?
 - 3. What was the outcome?
- vi. Did you expect the other side to be honest with you with regard to what you were buying or selling?
- vii. Did you expect the other side to explain all important aspects of the transaction and what you were buying and selling?

26. This case involves the implementation of an enterprise resource planning (ERP) software program at the plaintiff's business. Have any of you or any members of your family been involved with the selection or implementation of a major software system at your work or business?

- a. If so:
 - i. What type of software system?
 - ii. Who was the developer of that software?
 - iii. Who implemented the software?
 - iv. What was your role in the selection or implementation?
 - v. What was the developer's role, if any?
 - vi. Who else besides your company or the developer participated in the implementation?

- vii. Who else participated in the selection?
- viii. What was your experience like with the selection process?
- ix. What was your experience like with the implementation process?

27. Have any of you worked as an inside sales person for a company?

- a. If so:
 - i. What company?
 - ii. What was your title?
 - iii. What were your job responsibilities?
 - iv. What did you rely on to do your job?
 - v. Did you rely upon computer software to quote or respond to customers?
 - vi. Did you rely upon computer software to input and process orders?

Trial Conduct

28. Do you understand and agree that, if chosen as a juror, you cannot discuss this matter with your family or friends, or even with other jurors, until all the evidence has been heard and you have retired to the jury room to deliberate?
29. Do you know of any reason or anything that has not been asked that might influence your ability to hear and to decide this case fairly and impartially?

Availability for Duration of Trial

30. The Court anticipates that the trial of this case may last approximately two (2) to three (3) weeks. Will jury service on this case during that time period create a problem because of a prior scheduled vacation or other important work or personal event?
31. Do you or any member of your family have any health or personal problems that would impair your ability to give this case your complete attention?

32. Are you on any medication that would impair your ability to concentrate on the testimony, the arguments of counsel, and/or the instructions of the Court?

Respectfully submitted,

/s/ P. Wesley Lambert
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CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of October, 2014 a copy of the foregoing Proposed Voir Dire of Plaintiff was filed and served electronically upon counsel for SAP America, Inc. and SAP AG, and was sent by Email and First Class Mail to the following parties:

LSI-Lowery Systems, Inc.
c/o Chris Kellett
cpk@carmodymacdonald.com

IBIS Group, Inc
c/o John T. Grobe
1749 Naperville Road, Suite 203
Wheaton, IL 60187

/s/ P. Wesley Lambert
P. Wesley Lambert (0076961)